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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re Chapter 7
AIDA LUZ SANTIAGO, Case No. 19-12358(JLG)
Debtor.

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VICTOR SANTIAGO AND
SANDRA ALMODOVAR SANTIAGO,

Plaintiffs,
-against- Adv. Pro. No. 19-1362(JLG)
AIDA LUZ SANTIAGO,
Defendant.

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MOTION FOR THE APPOINTMENT OF A MEDIATOR

**TO THE HONORABLE JAMES L. GARRITY, JR.,
UNITED STATES BANKRUPTCY JUDGE:**

Victor Santiago and Sandra Almodovar Santiago by their attorney, Carlos J. Cuevas,
Esq., for their Motion for the Appointment of a Mediator respectfully represent:

INTRODUCTION

1. On July 22, 2019 the Debtor filed a voluntary Chapter 7 petition.
2. Aida Luz Santiago is the Debtor in this Chapter 7 case.
3. Alan Nisselson, Esq. is the Chapter 7 Trustee in this Chapter 7 case.
4. On September 27, 2019 the Plaintiffs commenced this adversary proceeding.

THE APPOINTMENT OF A MEDIATOR

5. The Plaintiffs are the parents of the Debtor.
6. The central allegation of the Complaint is that the Debtor has converted a real estate parcel that belongs to her parents, 3 New Unionville Road, Plattekill, New York (the “Property”).
7. The Property has been scheduled as property of the estate in the Debtor’s bankruptcy case.
8. The Plaintiffs have commenced a companion adversary proceeding concerning the Property, *Santiago v. Nisselson*, Adv. Pro. No. 19-1861(JLG)(the “Companion Adversary”).
9. The Plaintiffs have had productive discussions with Trustee Nisselson, and there is a tentative settlement in the Companion Adversary.
10. Counsel for the parties in this adversary proceeding have agreed to engage in mediation.
11. The Plaintiffs need the Debtor to waive one of her exemptions so that the tentative settlement with Trustee Nisselson can be effectuated.
12. Mediation is beneficial for the parties because it will avoid contentious, expensive and

emotionally charged litigation.

13. No prior application for the relief sought herein has been made.

WHEREFORE, the Movants respectfully request that this Court grant an order authorizing the appointment of a mediator and such other and further relief as this Court deems just and equitable.

Dated: Yonkers, New York
October 31, 2019

CARLOS J. CUEVAS, ESQ.
Attorney for Plaintiffs

By: /s/ Carlos J. Cuevas
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